

SENATE BILL REPORT

SB 5259

As of January 28, 2009

Title: An act relating to modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges.

Brief Description: Modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges.

Sponsors: Senators Kohl-Welles, Delvin, Keiser, Pridemore, Kauffman, McDermott, Kline, Shin, Fairley, McAuliffe and Roach.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/27/09.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Kathleen Buchli (786-7488)

Background: Academic employees of community and technical colleges and their employers may engage in collective bargaining to reach agreement with respect to wages, hours, and other terms and conditions of employment. Provisions of written contracts relating to salary increases must not exceed the amount or percentage established by the Legislature in the appropriations act and allocated to the board of trustees by the State Board for Community and Technical Colleges. If the Legislature changes a provision relating to a salary increase in the appropriations act, the parties must enter into collective bargaining to arrive at a mutually agreed upon replacement for the modified provision.

Summary of Bill: A community or technical college's board of trustees may provide additional compensation to academic employees which exceeds that provided by the Legislature.

The language specifying that provisions pertaining to salary increases in a contract are not binding upon the Legislature's future actions is stricken.

Appropriation: None.

Fiscal Note: Available.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill does not burden the state with additional costs, but allows community and technical colleges to have salaries that are adequate for their staff. Currently salaries are lower than those in other Western states. Community and technical college faculty members will get the same rights that other public educators have. This provides one more tool to provide competitive salaries to attract and retain quality faculty. We cannot compete with the private sector and are losing qualified people because the salaries are not competitive.

The legal limitation on bargaining compensation is unique to two-year college faculty and represents an unequal and unfair treatment of them. This permits bargaining but does not make a prediction about the outcome except that the contract signed at the end will be by mutual agreement. This will enable a measure of institutional accountability. It will remove the inability of local campuses to address faculty pay. Our working conditions are the student learning conditions and this will support quality teaching and learning.

The bill provides an opportunity for community college faculty to participate in governance activities through collective bargaining. The four-year institutions have had these abilities for many years without negative results. This allows more flexibility and will not be a panacea to solve all salary problems, but it is one more tool to use. The unions are not separate from the faculty and care about the institutions and students. We will not rob fees from the students. Concerns about raiding reserves will be unfounded. This brings local control to the way salaries will be distributed.

CON: This is difficult to oppose because we are interested in improved compensation for our faculty. But this measure is the wrong way to improve compensation goals. Our faculty have statutory prescribed tenure rights and cost-of-living adjustments and benefit packages. The colleges have prescribed and set revenues that are legislatively determined. Full bargaining should only occur where the management partner has control over revenue. We are concerned about statewide disparity in faculty compensation rates. Local bargaining will exacerbate this disparity.

This is not the most effective solution to address the problem; this could adversely impact our relationship with K-12 partners and adversely impact students by raising tuition. Reserves are important to the colleges to help them deal with emergencies, to replace expensive equipment, to purchase parking, to respond to community needs; these are one time monies and faculty salaries are permanent.

This would set up the faculty in a unique situation that does not occur elsewhere in the state. This will lose flexibility in operating programs and will lose the ability to run the institution locally. This is the wrong tool at the wrong time. It would pit students against faculty. Tuition dollars at our discretion adjust each year and this would be using short-term funds for long-term problems. It risks the financial health of our colleges. We need to find a stable funding source.

Persons Testifying: PRO: Mary Lindquist, Washington Education Association; Nathaniel Hong, Olympic College, Washington Education Association; Sarah Adams, Olympic College; Douglas Sayan, citizen, Friend of Olympic College; Sandra Schroeder, American Federation of Teachers, Washington; Bill Lyne, United Faculty of Western Washington; Jeff Johnson, Washington State Labor Council.

CON: Charlie Earl, John Boesenberg, State Board for Community and Technical Colleges; Lee Lambert, Shoreline Community College; Linda Kaminski, Yakima Valley Community College; Wayne Martin, Columbia Basin Community College; Mauri Moore, Edmonds Community College; Lyle Lovingfoss, Lower Columbia Community College; Keith Hoeller, American Association of University Professors.